

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-11
ACDA-12 CIAE-00 INR-10 L-03 NSAE-00 NSC-05 EB-08
NRC-05 OES-07 SOE-02 DODE-00 SS-15 SP-02 CEQ-01
PM-05 /143 W
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R 051010Z MAY 78
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 6237
INFO AMEMBASSY BELGRADE
AMEMBASSY MEXICO
USDOEHQ WASHDC
USDOEHQ GERMANTOWN

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USIAEA

DEPT PASS IO/SCT
DOE FOR AMMONS, IA

E.O. 11652: N/A
TAGS: PARM, TECH, IAEA, MX
SUBJECT: MEXICAN VIEWS RE PROPOSED AMENDMENT TO U.S.-
IAEA AGREEMENT FOR COOPERATION

SUMMARY: MEXICAN RESREP AND VISITING OFFICIAL OF NATIONAL
INSTITUTE OF NUCLEAR ENERGY HAVE TAKEN INITIATIVE IN
OFFERING COMMENTS ON SUBJECT AMENDMENT. THIS IS FIRST
INSTANCE OF DEVELOPING COUNTRY DISCUSSING WITH MISSION
CONTENT OF PROPOSED AMENDMENT. ACTION REQUESTED:
GUIDANCE FOR RESPONSE TO MEXICAN COMMENTS. END SUMMARY.

1. MEXICAN RESREP INVITED MISOFF AND MYSELF TO LUNCH
APRIL 26. HE WAS ACCOMPANIED BY DR. FERNANDO PRIETO
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CALDERON, HEAD, DIVISION OF RESEARCH AND APPLICATIONS,
NATIONAL INSTITUTE OF NUCLEAR ENERGY, WHO WAS ATTENDING
A MEETING OF INFCE WG-3; SUBJECT FOR DISCUSSION TURNED
OUT TO BE PROPOSED AMENDMENT TO U.S.-IAEA AGREEMENT FOR
COOPERATION.

2. PRIETO CALDERON, REFERRING TO TYPEWRITTEN NOTES,

OFFERED COMMENTS ON SPECIFIC PROVISIONS OF GOV/1879 AS
FOLLOWS:

A. IN PROPOSED AMENDMENT TO ARTICLE II(A), HE CALLED
ATTENTION TO PHRASE "SAFEGUARDS IN ACCORDANCE WITH THE
AGENCY'S STATUTE AND THE AGENCY'S SAFEGUARDS SYSTEM" AND
OBSERVED THAT, IN MEXICO'S VIEW, THAT IS APPROPRIATE
PHRASE TO BE USED WHEREVER REFERENCE IS MADE TO AGENCY
N SAFEGUARDS, SINCE BASIS FOR THAT FUNCTION IS FOUND IN
STATUTE. COMMENT: IN ANNEX OF AMENDMENT, THERE ARE TWO
PROVISIONS IN WHICH REFERENCE IS MADE TO "AGENCY'S
SAFEGUARDS SYSTEM", WITHOUT REFERENCE TO "AGENCY'S
STATUTE." SEE SECTION B(2) AND SECTION J(2), SINCE
TERMINATION IS NOT ADDRESSED IN STATUTE.

B. RE PROPOSED AMENDMENT TO ARTICLE II(B), PRIETO
CALDERON STATED THAT FORMULATION OF PROHIBITION OF
USE OF MATERIAL, ETC., "FOR NUCLEAR WEAPONS OR ANY OTHER
NUCLEAR EXPLOSIVE WEAPONS OR ANY OTHER NUCLEAR EXPLOSIVE
DEVICE, FOR RESEARCH ON OR DEVELOPMENT OF ANY NUCLEAR
EXPLOSIVE DEVICE, OR FOR ANY OTHER MILITARY PURPOSE"
WAS CONTRARY TO POSITION OF MEXICO, WHICH DISTINGUISHED
BETWEEN NUCLEAR WEAPONS AND NUCLEAR EXPLOSIVE DEVICES
FOR PEACEFUL PURPOSES. WE EXPRESSED SURPRISE AND
CONSTERNATION AT THAT POSITION, POINTING OUT THAT
MEXICO, AS PARTY TO NPT, HAD ALREADY FORESWORN ALL
NUCLEAR EXPLOSIVE DEVICES AND THAT WE COULD NOT RECALL
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THAT DURING NEGOTIATION OF NPT AND TREATY OF TLATELOLCO,
MEXICO HAD ADVOCATED VIEW THAT IT WAS DESIRABLE OR
POSSIBLE TO MAKE DISTINCTION. AS PRIETO CALDERON WELL
KNEW FROM HIS PARTICIPATION IN AD HOC ADVISORY GROUP
ON NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES, POSITION
HE NOW DESCRIBED WAS SHARED ONLY BY TWO OR THREE
NOTORIOUS HOLDOUTS FROM NPT. MOREOVER, IAEA BOARD
REQUIRED EXPLICIT UNDERTAKING PROHIBITING USE OF
MATERIALS, ETC., FOR EITHER NUCLEAR WEAPONS OR OTHER
NUCLEAR EXPLOSIVE DEVICES IN ALL SAFEGUARDS AGREEMENTS.
WHAT WAS BASIS FOR CURRENT STRANGE MEXICAN POSITION?
PRIETO CALDERON OFFERED NO EXPLANATION OTHER
THAN IT WAS HIS GOVERNMENT'S POSITION WHICH WAS, OF COURSE
SUBJECT TO CHANGE. COMMENT: WE HAD IMPRESSION THAT
PRIETO CALDERON LACKED CONVICTION RE GOM POSITION AND THAT
HIS REMARK RE ITS BEING SUBJECT TO CHANGE IMPLIED HOPE
THAT IT WOULD; HE MUST BE WELL AWARE FROM HIS YEARS OF
PARTICIPATION IN IAEA FORA THAT HIS GOVERNMENT'S POSITION
IS UNTENABLE.

C. RE AMENDMENT ANNEX SECTION B(3), PRIETO CALDERON
SOUGHT CLARIFICATION THAT RECIPIENT STATE HAD OPTION

OF EITHER INFORMING USG DIRECTLY OR THROUGH IAEA OF
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STATUS OF INVENTORIES, PARTICULARLY IN CASE OF RECIPIENT
STATE PARTY TO NPT.

D. RE REFERENCES IN AMENDMENT ANNEX SECTIONS C, E, AND
H TO AGREEMENT BY USG TO VARIOUS ACTIONS, PRIETO
CALDERON STATED THAT GOM WOULD PREFER FORMULATION
CALLING, IN EACH CASE FOR AGREEMENT BY IAEA TO SUCH
ACTIONS, WITH EITHER EXPLICIT REFERENCE TO IAEA OB-

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TAINING AGREEMENT OF USG OR COLLATERAL UNDERSTANDING
BETWEEN IAEA AND USG THAT IAEA WOULD FIRST OBTAIN AGREE-
MENT OF USG. GOM POSITION REFLECTED STRONGLY HELD VIEW
OF SOVEREIGNTY AND INDEPENDENCE, ACCORDING TO PRIETO
CALDERON. WE WERE NON-COMMITAL TO SUGGESTION. COMMENT:
MISSION'S EXPERIENCE IN NEGOTIATING AMENDMENT WAS THAT
IAEA SECRETARIAT WOULD REJECT ANY SUCH FORMULATION,
SINCE SECRETARIAT STRONGLY WISHED AVOID IAEA BEING IN
POSITION TO APPROVE OR DISAPPROVE SUCH ACTIONS;

SECRETARIAT ARGUED, INTER ALIA, THAT THERE WAS NO STATUTORY AUTHORITY FOR SUCH APPROVALS.

E. RE AMENDMENT ANNEX SECTION F, PRIETO CALDERON POINTED OUT THAT INFCIRC/225/REV.1 WAS NOT "OFFICIALLY LIMITED OFFICIAL USE

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APPROVED" BY IAEA BOARD OF GOVERNORS AND THAT THEREFORE ANY REFERENCE TO DOCUMENT SHOULD REFLECT THAT STATUS. WE POINTED OUT THAT REFERENCE WAS NOT INTENDED TO IMPART ANY PARTICULAR STATUS TO DOCUMENT, BUT THAT IT WAS CONVENIENCE TO AVOID NECESSITY OF REPRODUCING TEXT OF DOCUMENT AS PART OF AMENDMENT.

F. RE AMENDMENT ANNEX SECTION I, PRIETO CALDERON SUGGESTED THAT, RATHER THAN OR IN ADDITION TO (AS WE CHOSE TO INTERPRET HIS SUGGESTION) PROVISION FOR APPLICATION OF SAFEGUARDS BY USG, IN EVENT INABILITY OF IAEA TO APPLY SAFEGUARDS, THAT FALLBACK SAFEGUARDS RIGHTS BE ACCORDED TO "ANOTHER APPROPRIATE INTERNATIONAL SYSTEM" (SUCH AS OPANAL). HE WOULD APPARENTLY BE WILLING TO HAVE REFERENCE TO "ANOTHER, ETC., SYSTEM" QUALIFIED BY "AS THE GOVERNMENTS MAY AGREE." WE WERE NON-COMMITAL ON SUGGESTION.

3. PRIETO CALDERON INQUIRED RE OUR INTENTIONS FOR BOARD ACTION ON AMENDMENT. WE NOTED THAT WE HAD NO INSTRUCTIONS, BUT PRESUMED THAT WE WOULD RECEIVE INSTRUCTIONS TO PLACE ITEM ON AGENDA FOR EARLY BOARD MEETING, POSSIBLY IN JUNE, SINCE NEW LEGISLATION REQUIRED AGREEMENT TO BE "RENEGOTIATED."

4. LUNCH, MARKED BY UNUSUAL (IN MISSION'S EXPERIENCE WITH MEXICAN RESREP) CORDIALITY AND EXPRESSIONS OF APPRECIATION BY GARCIA-LOPEZ AND PRIETO CALDERON, CONCLUDED WITH WISHES FOR FURTHER OPPORTUNITIES FOR SUCH EXCHANGES OF VIEWS.

5. MISSION INTENDS TO DISCUSS COMMENTS REPORTED ABOVE WITH SECRETARIAT AND WOULD APPRECIATE REACTION OF DEPT LIMITED OFFICIAL USE

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AND OTHER INTERESTED AGENCIES FOR PURPOSE OF RESPONDING SOONEST TO RESREP OF GOM. WE NOTE THAT MEXICO'S COMMENTS ARE THE ONLY SUBSTANTIVE ONES WE HAVE RECEIVED FROM RECIPIENT STATE LIKELY TO BE AFFECTED BY PROPOSED

AMENDMENT. WE HAVE NO WAY OF KNOWING WHETHER GOM'S
COMMENTS HAVE BEEN COORDINATED WITH OTHERS, SUCH AS
YUGOSLAVIA, WHICH COULD ALSO BE AFFECTED. NEVERTHELESS,
IT WOULD BE TACTICALLY USEFUL TO DEMONSTRATE TO GOM
THAT ITS SUGGESTIONS HAVE BEEN GIVEN SERIOUS CONSIDERATION
AND THAT SINCERE EFFORT HAS BEEN MADE, EITHER IN
APPROPRIATE REVISION OF AMENDMENT AND ANNEX TEXTS OR
COLLATERALLY, TO GIVE EFFECT TO SUGGESTIONS WHEREVER
POSSIBLE. PLEASE ADVISE. KIRK

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